

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, MAY 10, 2012**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Whitley, Onetta; Representing Chairman J. Kirkham Povall  
Causey, Kim; Representing Commissioner Mike Chaney, MS Insurance Department  
Chaney, Mike; Commissioner, MS Insurance Department  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Donaldson, Bruce; Tort Claims Board  
Flicker, Grace; Institutions of Higher Learning  
Hopson, Senator Briggs; Senate  
Jackson, Laura; Cannon Cochran Management Services, Inc.  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Thornton, Tenny; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Wray, Rita; Department of Finance and Administration  
Younger, Jim; Department of Public Safety

Motion was made by Mr. Upchurch to approve the minutes of the March 8, 2012, meeting. Commissioner Chaney seconded the motion, which passed unanimously.

Under Old Business, Mrs. McElroy reviewed the legislation approved by the Governor which affected the Tort Claims Act and/or the Tort Claims Board. She thanked Senator Briggs Hopson for his willingness to work with staff on the changes to MS Code Section 11-46-11.

Under New Business, Mrs. Whitley introduced Senator Hopson to the Board as an appointee of Lt. Governor Tate Reeves. Senator Hopson will serve a four year term that will end January 3, 2016.

Mr. Jim Logan presented the financial report through April 30, 2012. He reported assessment receipts of \$4.4 million (total due) and total expenditures of \$4.3 million. Mr. Logan advised that the fund has \$13.9 million cash on hand, \$6.1 million reserves, and \$7.8 million unencumbered cash. Claim payments to-date total \$1,197,587; legal expenses total \$962,415.

The average claim paid is \$1,999 with an average reserve of \$9,971. He reviewed the Budget Comparison Report and noted that the total percent of the budget expended is 33.5%.

Mr. Jeff Wilson reviewed the April 2012 portfolio highlights. The total portfolio of \$11.4 million earned 1.77% for the fiscal year to date. Mr. Wilson is still projecting a rate of return over 2.0% for the year.

In Mr. Milner's absence, Mrs. McElroy reviewed the Loss Control activities since the last Board meeting. Mrs. McElroy and Mr. Milner also met with Agriculture Commissioner Cindy Hyde-Smith May 7<sup>th</sup>. The meeting included a review of Mr. Milner's findings, comments on responses from Fair Commission staff, and a walk-through of some problem areas on the Fairground property. Mr. Milner will continue to work with the Commissioner and Fair Commission staff to rectify the items noted.

Mrs. McElroy presented four (4) attorneys for inclusion in the approved Attorney Register: Thomas W. Tyner with Aultman Tyner & Ruffin; Mary Ann Connell and Pope S. Mallette with Mayo Mallette; and Richard T. Conrad, III with Wells Marble & Hurst. All meet the eligibility requirements of the Board and staff recommends approval. Commissioner Chaney moved to approve and Mr. Upchurch seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 38 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list and Commissioner Chaney seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.

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J. KIRKHAM POVALL, CHAIRMAN

  
MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

Dapaly  
LYNN FITCH, BOARD MEMBER

  
JIM HOOD, BOARD MEMBER

by James W. Page. 2  
ALBERT SANTA CRUZ, BOARD MEMBER

  
KEVIN J. UPCHURCH, BOARD MEMBER

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, MARCH 8, 2012**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Povall, J. Kirkham; Chairman  
Chaney, Mike; Commissioner, MS Insurance Department  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch, State  
Treasury  
Kelsey, Christina; Representing Commissioner Mike Chaney, MS Insurance Department  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration  
Younger, Jr., James W.; Representing Commissioner Albert Santa Cruz, MS Department  
of Public Safety

Also present were:

Donaldson, Bruce; Tort Claims Board  
Flicker, Grace; Institutions of Higher Learning  
Jackson, Laura, Cannon Cochran Management Services, Inc.  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Thornton, Tenny; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Wray, Rita; Department of Finance and Administration

Motion was made by Mr. Upchurch to approve the minutes of the January 12, 2012, meeting. Mrs. Jackson, representing Treasurer Lynn Fitch, seconded the motion, which passed unanimously.

There was no Old Business.

Under New Business, Mrs. McElroy reviewed a legislative summary for Board members detailing three (3) bills referencing the Tort Claims Act. She will continue to monitor and keep the members updated.

Next, Mr. Logan presented the financial report through February 29, 2012. He reported assessment receipts of \$4,186,972 and total expenditures of \$3,511,640. Mr. Logan advised that

the fund has \$14.2 million cash on hand, \$6.4 million reserves, and \$7.8 million unencumbered cash. Claim payments to date total \$1,107,345; legal expenses total \$687,316. The average claim paid is \$2,142, with an average reserve of \$10,304. He reviewed the Budget Comparison Report and noted that the total percent of the budget expended is 25.8 percent.

Mr. Wilson reviewed the February 2012 portfolio highlights. The total portfolio of \$8.9 million earned 1.3 percent for the fiscal year to date. Mr. Wilson is still projecting a rate of return of 2.25 for the year.

Mr. Milner reported on Loss Control activities since the last Board meeting. Mr. Upchurch inquired about the letter to the Department of Agriculture and Commerce regarding the Fairgrounds. Mr. Milner reported on some of his findings during the joint inspection with the State Fire Marshals. Staff will continue to work with Commissioner Hyde-Smith and the Fair Commission staff to rectify the items noted.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 47 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list, and Mrs. Jackson seconded the motion, which passed by unanimous vote.

There was no Claims Report.

Commissioner Chaney entered the meeting.

There being no further business to come before the Board, the meeting was adjourned.

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J. KIRKHAM POVALL, CHAIRMAN



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MIKE CHANEY, BOARD MEMBER

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TRUDY FISHER, BOARD MEMBER

Lynn Fitch, Deputy  
LYNN FITCH, BOARD MEMBER

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JIM HOOD, BOARD MEMBER

Albert Santa Cruz  
ALBERT SANTA CRUZ, BOARD MEMBER  
*by James W. Hood*

Kevin J. Upchurch  
KEVIN J. UPCHURCH, BOARD MEMBER

## Tenny Thornton

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**From:** Steven Milner  
**Sent:** Friday, May 04, 2012 6:29 AM  
**To:** Tenny Thornton  
**Subject:** RE: Pre-packets - Board Meeting - May 10, 2012 - 1:30 PM - Room 138, Conference Center North, Woolfolk Building

Since the last Board meeting, loss control services for both the Tort Claims Board and the State Agencies Self Insured Workers' Compensation Trust have included:

- 5 Defensive Driving Classes ✓
- 3 Ride - a - Longs
- 10 State Property/Leased Property Inspections ✓
- 14 Ergonomic Assessments ✓
- 2 Highway Construction Safety Inspections
- 3 Safety Consultations ✓
- 1 Safety Orientation ✓
- 9 Accident Investigations ✓
- 5 State Office Construction Safety Assessments
- 1 Incident Investigation

**From:** Tenny Thornton  
**Sent:** Thursday, May 03, 2012 2:33 PM  
**To:** Bruce Donaldson; Deidra Washington; Jim Logan; John Frazier; Lea Ann McElroy; Rebecca McInnis; Steven Milner; Tenny Thornton; Trina Kelly  
**Subject:** Pre-packets - Board Meeting - May 10, 2012 - 1:30 PM - Room 138, Conference Center North, Woolfolk Building

If you have information to be included in the next Board meeting indicated above, please have it to me by Friday noon, May 4, 2012.

Tenny Thornton  
Special Projects Officer IV  
MS Tort Claims Board  
Office - 601-359-3009  
Fax - 601-359-3262